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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,095	04/12/2004	Hiroyuki Shinoda	Q81029	2192
23373 7590 02/19/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER HALIYUR, VENKATESH N	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 02/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/822,095

Applicant(s)

SHINODA ET AL.

Examiner

Venkatesh Haliyur

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 (19-44 are canceled) is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 11/26/2007 has been considered but is ineffective to overcome Burgess reference. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action in view of Burgess and a newly found reference Lapstun et al. Rejection follows.
2. Claims 1-18 are pending in the application. Claims 19-44 are canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being unpatentable over Burgess [US Pat: 5,695,859] in view of Lapstun et al [US. 6,724,374].

Regarding claims 1,3-4,10,12-13, Burgess in the invention of "Pressure Activated Switching Device" disclosed a communication apparatus elements

comprising: a first conductive layer and a second conductive layer and a plurality of communication elements that are connected to the first conductive layer and the second conductive layer (**upper and lower conductive layers, col 2, lines 26-35, col 2, lines 51-67**), wherein a first communication element of the plurality of communication elements, initiating transmission to a second communication element of the plurality of communication elements, is operative to control a voltage between the first conductive layer and the second conductive layer (**col 3, lines 51-67, col 4, lines 1-59**), letting the second communication element to acknowledge a change in the voltage propagated around the first communication element as a signal (**col 4, lines 60-67, col 5, lines 1-27, Fig 1**), wherein the second communication element is operative to monitor the signal from the first communication element and acknowledge the change in the voltage between the first conductive layer and the second conductive layer as the signal (**col 8, lines 51-67, col 9, lines 1-26, Fig 2**), but fails to disclose wherein the second communication element is assigned an ID identifying the elements and the signal includes an ID identifying a recipient communication element of the plurality of communication elements which is subsequently to receive the signal, and wherein the recipient communication element determines whether a signal is destined to the element by referring to the ID included in the signal. However, Lapstun et al. in the invention of "Sensing Device for Coded Electronic Ink Surface" disclosed a sensing device that transmits signals which includes unique identification in the data identifying source and the recipient (**col 6, lines 66-67,**

**col 7, lines 1 -64, Fig 2).** Therefore it would have been possible for one of ordinary skill in the art at the time the invention was made to use the method of transmitting source and the final destination identification in the signal as taught by Lapstun et al. in the system of Burgess to include assigning second communication element an ID, identifying the elements and a recipient ID, identifying a recipient communication element of the plurality of communication elements in the signal. One is motivated as such in order to include the source and final destination identification (ID) in the signal transmitted by the sensor device for the recipient communication element to determine whether a signal is destined to the element by referring to the ID included in the signal (**Lapstun et al., col 3, lines, 35-66**).

Regarding claims 2, 11, Burgess disclosed where in the first communication element is operative to generate, as the signal, the change in the voltage between the first conductive layer and the second conductive layer propagated concentrically around the first communication elements (**col 9, lines 54-67, col 10, lines 1-22**).

Regarding claims 5, 14, Burgess disclosed a plurality of distributed communication elements, wherein each of the communication elements has such a coverage that allows local communication with other neighboring communication elements (**col 2, lines 51-63**), the local communication allowing sequential transmissions of a signal between the communication elements to convey the signal to a target communication elements (**col 15, lines 13-24**).

Regarding claim 6, 15, Burgess disclosed wherein the first conductive layer and the second conductive layer are flat layers (**col 10, lines 23-36**).

Regarding claim 7, 16, Burgess disclosed wherein the first conductive layer and the second conductive layer are uniform conductive layers (**col 12, lines 37-49**).

Regarding claim 8, 17, Burgess disclosed wherein the plurality of communication elements are classified into the first order to the Nth order ranks in ascending order of the communication management capabilities of the communication elements (**col 11, lines 66-67, col 12, lines 1-5**).

Regarding claim 9, 18, Burgess disclosed comprising a sensor element including a circuit for measuring stress or temperature (**force or stress, col 10, lines 57-65, col 12, lines 55-67, col 13, lines 1-14**).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached @ (571)-272-7884. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Venkatesh Haliyur

Patent Examiner

UN 2/11/08

EDAN .ORGAD  
SUPERVISORY PATENT EXAMINER

Edan Orgad